

# **EXHIBIT J**

to Shaver Declaration ISO Plaintiffs'  
Reply ISO Supplemental Motion for  
Class Cert [ECF 456]

**PUBLIC/REDACTED VERSION**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4

5 IN RE: HIGH-TECH EMPLOYEE )  
6 ANTITRUST LITIGATION )  
7 ) No. 11-CV-2509-LHK  
8 THIS DOCUMENT RELATES TO: )  
9 ALL ACTIONS. )  
10 \_\_\_\_\_ )  
11

12 VIDEOTAPED DEPOSITION OF MASON STUBBLEFIELD  
13 ATTORNEYS' EYES ONLY  
14 Friday, March 29, 2013  
15  
16  
17  
18  
19  
20  
21  
22  
23

24 Reported By:  
25 KATHLEEN WILKINS, CSR #10068, RPR-RMR-CRR-CCRR-CLR

10:41:17 1 actual steps were along the way of the whole  
10:41:21 2 audit.

10:41:23 3 [REDACTED]

10:41:25 4 [REDACTED]

10:41:28 5 [REDACTED]

10:41:30 6 [REDACTED]

10:41:32 7 [REDACTED]

10:41:33 8 [REDACTED]

10:41:35 9 [REDACTED]

10:41:38 10 [REDACTED]

10:41:41 11 [REDACTED]

10:41:44 12 [REDACTED]

10:41:47 13 [REDACTED]

10:41:50 14 [REDACTED]

10:41:52 15 [REDACTED]

10:41:55 16 [REDACTED]

10:41:57 17 Looking at data across the different  
10:41:59 18 leaders below the senior leader to make sure we  
10:42:02 19 had consistency and compliance to budget at an  
10:42:04 20 overall level. [REDACTED]

10:42:07 21 [REDACTED]

10:42:10 22 [REDACTED]

10:42:11 23 [REDACTED]

10:42:12 24 [REDACTED]

10:42:19 25 [REDACTED]

10:42:22 1

[REDACTED]

10:42:27 2

[REDACTED]

10:42:32 3

[REDACTED] [REDACTED] [REDACTED]

10:42:34 4

[REDACTED] [REDACTED]

10:42:37 5

[REDACTED]

10:42:39 6

[REDACTED]

10:42:42 7

[REDACTED]

10:42:44 8

[REDACTED] [REDACTED] [REDACTED]

10:42:46 9

[REDACTED]

10:42:49 10

[REDACTED] [REDACTED] [REDACTED]

10:42:53 11

[REDACTED] [REDACTED]

10:42:55 12

[REDACTED] [REDACTED]

10:42:58 13

[REDACTED]

10:42:58 14

Q. Okay. Were there certain things that

10:43:01 15

would show up or would catch your eye as eye

10:43:05 16

opening in a recommendation?

10:43:06 17

A. Sure.

10:43:08 18

Q. What would that be?

10:43:10 19

A. A pay increase that was outside a

10:43:12 20

guideline for the performance rating, perform a --

10:43:15 21

any -- any inconsistencies. We have a set of

10:43:19 22

guidelines and we would have exception reporting

10:43:21 23

to identify things that were outside of those

10:43:24 24

guidelines and would audit those.

10:43:26 25

Q. So if -- so were there ranges of merit

10:43:32 1 increase that would be appropriate for different  
10:43:34 2 performance ratings?

10:43:34 3 MR. KIERNAN: Object to form. Sorry.  
10:43:38 4 Object to form.

10:43:40 5 THE WITNESS: We provide guidelines.  
10:43:40 6 Intuit provides guidelines for what we would  
10:43:44 7 expect a range of increase to be for a level of  
10:43:46 8 performance.

10:43:47 9 BY MS. DERMODY:

10:43:47 10 Q. And then if a person -- if a manager had  
10:43:50 11 recommended someone outside that guideline, would  
10:43:53 12 that be something that you would audit?

10:43:55 13 A. Would depend on how far outside the  
10:43:57 14 guideline it was. But likely it would be  
10:43:59 15 something we'd look at to try to understand why  
10:44:01 16 the recommendation was being made.

10:44:03 17 Q. Okay. And you mentioned that you were  
10:44:06 18 involved in the audit process.

10:44:08 19 Was someone else also involved with you  
10:44:11 20 reviewing the managers in your area?

10:44:14 21 [REDACTED]

10:44:16 22 [REDACTED]

10:44:19 23 [REDACTED]

10:44:22 24 [REDACTED]

10:44:25 25 [REDACTED]

10:44:28 1

[REDACTED]

10:44:29 2

Q.

[REDACTED]

10:44:31 3

[REDACTED]

10:44:33 4

[REDACTED]

10:44:37 5

[REDACTED]

10:44:39 6

A.

[REDACTED]

10:44:41 7

[REDACTED]

[REDACTED]

10:44:43 8

[REDACTED]

10:44:46 9

[REDACTED]

10:44:48 10

[REDACTED]

10:44:49 11

Q.

Are you aware of specific differences in

10:44:52 12

the audit process across the organization?

10:44:55 13

A.

[REDACTED]

10:44:56 14

[REDACTED]

10:44:57 15

Q.

Okay.

[REDACTED]

10:44:59 16

[REDACTED]

10:45:02 17

[REDACTED]

10:45:04 18

[REDACTED]

10:45:07 19

A.

[REDACTED]

10:45:07 20

Q.

Okay.

[REDACTED]

10:45:19 21

[REDACTED]

10:45:22 22

[REDACTED]

10:45:22 23

A.

[REDACTED]

[REDACTED]

10:45:23 24

Q.

[REDACTED]

10:45:26 25

[REDACTED]

11:35:03 1 Q. Sure.

11:35:04 2

11:35:06 3

11:35:08 4

11:35:11 5

A.

11:35:14 6

11:35:17 7

11:35:20 8

11:35:25 9

11:35:27 10

11:35:30 11

We talked a bit about retention bonuses, which would also be a monetary reward that could -- is used in some situations, would be available for employees.

11:35:35 12

Q.

11:35:38 13

11:35:41 14

11:35:45 15

11:35:51 16

A.

11:35:52 17

11:35:52 18

Q. Yes.

11:35:55 19

A.

11:35:59 20

11:36:01 21

11:36:04 22

11:36:06 23

11:36:10 24

11:36:13 25

11:36:16 1

[REDACTED]

11:36:18 2

[REDACTED]

11:36:21 3

[REDACTED]

11:36:25 4

[REDACTED]

11:36:27 5

[REDACTED].

11:36:29 6

Q. Is that the spotlight program?

11:36:31 7

A. Yes, that's the spotlight program.

11:36:38 8

Q. [REDACTED]

11:36:41 9

[REDACTED]?

11:36:41 10

A. Yes.

11:36:43 11

Q. [REDACTED]

11:36:46 12

A. [REDACTED]

11:36:55 13

[REDACTED]

11:37:03 14

Q. And for how long has the spotlight

11:37:05 15

program been around?

11:37:09 16

A. I don't know exactly when it started,

11:37:10 17

but it's been a key part of Intuit's compensation

11:37:13 18

approach for a number of years. Ten years or

11:37:15 19

more.

11:37:16 20

Q. Okay. So prior to your time maybe?

11:37:18 21

A. Yes. [REDACTED]

11:37:20 22

[REDACTED]

11:37:23 23

Q. [REDACTED]

11:37:26 24

[REDACTED]

11:37:33 25

[REDACTED]



11:37:36 1

[REDACTED]

11:37:38 2

A. [REDACTED]

11:37:39 3

Q. And describe those situations.

11:37:43 4

A. There's been situations in -- a few

11:37:47 5

different situations I can think of if there were

11:37:49 6

[REDACTED]

11:37:52 7

[REDACTED]

11:37:54 8

[REDACTED]

11:37:57 9

[REDACTED]

11:38:00 10

[REDACTED]

11:38:04 11

[REDACTED]

11:38:05 12

[REDACTED]

11:38:09 13

[REDACTED]

11:38:12 14

[REDACTED]

11:38:16 15

[REDACTED]

11:38:16 16

[REDACTED]

11:38:19 17

If we saw attrition in some area, we'd

11:38:23 18

use -- we use retention bonuses proactively to try

11:38:27 19

to secure, lock in, create the incentive for other

11:38:31 20

talent to stay.

11:38:35 21

Q. And has that been the practice going

11:38:37 22

back to when you started in 2004?

11:38:41 23

MR. KIERNAN: Object to form.

11:38:46 24

THE WITNESS: [REDACTED]

11:38:48 25

[REDACTED]

11:38:49 1

11:38:52 2

11:38:56 3

11:38:58 4

11:39:01 5

11:39:05 6

11:39:06 7

11:39:07 8

11:39:10 9

11:39:15 10

11:39:17 11

11:39:21 12

11:39:23 13

11:39:25 14

11:39:28 15

11:39:31 16

11:39:34 17

11:39:36 18

11:39:39 19

11:39:41 20

11:39:57 21

11:39:57 22

11:39:58 23

11:40:01 24

11:40:04 25

[REDACTED]

[REDACTED] So we've had retention bonuses where a tool that goes back to -- the start of my time as one of the tools that was out there. We primarily use equity as our retention vehicle, and it's been out there as well.

BY MS. DERMODY:

Q. And is equity something that you have used proactively to keep talent notwithstanding any other offer that they might have in the market?

MR. KIERNAN: Object to form.

THE WITNESS: [REDACTED]

[REDACTED], and based on the performance ratings, retention ratings, employees are given a value of equity.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

BY MS. DERMODY:

Q. And I think you testified earlier that the compensation, including decisions about equity, [REDACTED]

[REDACTED]

11:40:06 1 A. [REDACTED]

11:40:09 2 Q. [REDACTED]

11:40:11 3 [REDACTED]

11:40:16 4 [REDACTED]

11:40:18 5 A. [REDACTED]

11:40:20 6 [REDACTED]

11:40:23 7 [REDACTED] [REDACTED]

11:40:26 8 [REDACTED]

11:40:29 9 [REDACTED].

11:40:29 10 Q. Okay. [REDACTED]

11:40:33 11 [REDACTED]

11:40:34 12 A. [REDACTED] [REDACTED]

11:40:40 13 [REDACTED] [REDACTED]

11:40:43 14 [REDACTED]

11:40:46 15 [REDACTED]

11:40:51 16 Q. [REDACTED]

11:40:53 17 [REDACTED]

11:40:55 18 [REDACTED]

11:40:58 19 A. [REDACTED] [REDACTED]

11:40:59 20 [REDACTED].

11:40:59 21 Q. [REDACTED]

11:41:01 22 [REDACTED]

11:41:05 23 [REDACTED]

11:41:07 24 A. [REDACTED] [REDACTED]

11:41:09 25 [REDACTED]

11:41:11 1 Q. Okay. And describe those.

11:41:12 2 A. They'd be situations, oh, kind of like I  
11:41:14 3 described before from a retention perspective. If  
11:41:16 4 we saw attrition with a group of employees or a  
11:41:19 5 certain skill set and we were concerned about  
11:41:21 6 that, we'd use proactive equity grants with others  
11:41:24 7 that we're seeing this top talent to try to incent  
11:41:28 8 them to stay or use as another retention tool.

11:41:32 9 Q. Is that something that you've seen  
11:41:34 10 happen going back to the 2005 time period?

11:41:40 11 A. I don't recall it happening -- it's not  
11:41:42 12 something that happens very often inside the  
11:41:43 13 organization. I can think of one situation where  
11:41:45 14 it happened -- where it's happened, and that was  
11:41:48 15 more recent.

11:41:49 16 Q. Okay. What was that situation?

11:41:50 17 A. [REDACTED]

11:41:52 18 [REDACTED]

11:41:55 19 [REDACTED]

11:41:57 20 [REDACTED]

11:42:00 21 [REDACTED]

11:42:04 22 [REDACTED]

11:42:06 23 [REDACTED]

11:42:19 24 Q. And do you know, were these employees  
11:42:20 25 that had threatened to leave?

11:42:25 1 A. I don't know. [REDACTED]

11:42:28 2 [REDACTED]

11:42:31 3 [REDACTED]

11:42:33 4 [REDACTED]

11:42:37 5 [REDACTED].

11:42:45 6 Q. [REDACTED]

11:42:46 7 [REDACTED]

11:42:50 8 A. [REDACTED].

11:42:51 9 Q. Okay. And do you recall other

11:42:52 10 situations happening before that?

11:42:56 11 A. I don't recall other situations like

11:42:59 12 that.

11:43:01 13 Q. Is it possible that they happened but

11:43:04 14 you don't know? Is that --

11:43:05 15 A. Sure, it's possible.

11:43:30 16 Q. Are there any other strategies that

11:43:32 17 you're aware Intuit has used to proactively retain

11:43:37 18 key talent?

11:43:40 19 A. Yes.

11:43:41 20 Q. And can you describe those that are

11:43:44 21 compensation-based?

11:43:46 22 A. Most of the others would not be

11:43:48 23 compensation-based.

11:43:49 24 Q. Okay. Are those more work

11:43:54 25 assignment-based?

11:43:56 1 A. It could be work assignment-based,  
11:43:59 2 development-oriented, project work, learning and  
11:44:03 3 development opportunities.

11:44:18 4 Q. Are there any other compensation-based  
11:44:21 5 strategies to retain key talent that you're aware  
11:44:24 6 Intuit has used that you haven't already  
11:44:26 7 described?

11:44:28 8 A. No, I don't think so.

11:44:28 9 Q. Okay. Were you aware that at some point  
11:44:40 10 in time, Intuit had a policy not to recruit into  
11:44:44 11 certain companies?

11:44:46 12 A. I'm not aware of any policy like that.

11:44:48 13 Q. Okay. Did you become aware of that at  
11:44:50 14 some point in time?

11:44:51 15 A. I'm not aware that Intuit ever had a  
11:44:54 16 policy like that.

11:44:56 17 Q. Were you aware that there was a practice  
11:44:58 18 at Intuit not to recruit into some companies?

11:45:01 19 A. No. No, I was not.

11:45:02 20 Q. Okay. It's not something you ever heard  
11:45:04 21 anyone talk about?

11:45:05 22 A. No.

11:45:10 23 Q. Were you aware that Intuit was  
11:45:13 24 investigated by the Department of Justice in  
11:45:15 25 connection with recruiting into other companies?

11:45:17 1 A. Yes, I am aware of that.

11:45:19 2 Q. And when did you become aware of that?

11:45:22 3 A. Probably soon after it -- or at the time  
11:45:25 4 it became public.

11:45:26 5 Q. Okay. And I'm aware that there's more  
11:45:28 6 than one set of investigations, so the only one  
11:45:31 7 I'm concerned about is the one involving this  
11:45:34 8 case, if that's clear to you.

11:45:37 9 A. Okay.

11:45:38 10 Q. Did you participate in the Department of  
11:45:39 11 Justice investigation on behalf of Intuit?

11:45:42 12 A. No, I did not.

11:45:43 13 Q. You weren't interviewed by DOJ?

11:45:45 14 A. No, I was not.

11:46:17 15 Q. That one has already been marked, so I  
11:46:19 16 can pass it right to you. That should have the  
11:46:22 17 deposition Exhibit 918.

11:46:25 18 Do you see that?

11:46:26 19 A. Yes.

11:46:28 20 Q. Have you seen this document before?

11:46:34 21 A. I have seen it before.

11:46:35 22 Q. Prior to preparing for your deposition,  
11:46:37 23 had you seen this before?

11:46:38 24 A. No, I had not.

11:46:39 25 Q. Have you ever talked to Mr. McNeal about

11:46:42 1 a do not contact list at Intuit?

11:46:47 2 A. No.

11:46:49 3 Q. Or how about Mr. Nguyen?

11:46:51 4 A. No.

11:46:52 5 Q. Or Miss Ross?

11:46:52 6 A. No.

11:47:00 7 Q. Do you have any type of relationship  
11:47:01 8 with Mr. Bill Campbell?

11:47:05 9 A. Yes.

11:47:06 10 Q. Okay. And do you have a regular  
11:47:12 11 occasion to meet with him?

11:47:13 12 A. Yes.

11:47:14 13 Q. And what is that?

11:47:16 14 A. There's a couple of situations. So  
11:47:19 15 Mr. Campbell is chairman of the board, so on a  
11:47:23 16 quarterly basis, I, along with a couple of others,  
11:47:26 17 meet with him to talk about board agendas, and  
11:47:29 18 specifically the committee agendas. I have  
11:47:31 19 responsibility in working with him on the agenda  
11:47:33 20 for the compensation organization development  
11:47:35 21 committee.

11:47:35 22 And so prior to those meetings, we  
11:47:37 23 review that agenda, and then he participates in  
11:47:40 24 that committee meeting. And so I -- I attend  
11:47:44 25 those meetings, and so whenever that group meets



11:49:06 1 at any other companies in the valley about  
11:49:09 2 recruiting issues?

11:49:11 3 A. What do you mean by "recruiting issues"?

11:49:14 4 Q. About whether there should be certain  
11:49:16 5 people off limits to recruiting across companies?

11:49:19 6 A. No.

11:49:47 7 Q. Let me ask you about Mr. Steve Jobs.

11:49:50 8 Did you have any relationship with him  
11:49:51 9 when he was at -- still at Apple?

11:49:58 10 A. No, none at all.

11:49:59 11 Q. Okay.

11:49:59 12 (Whereupon, Deposition Exhibit 2738  
11:49:59 13 was marked for identification.)

11:50:10 14 BY MS. DERMODY:

11:50:10 15 Q. The document placed in front of you as  
11:50:12 16 Exhibit 2738 should bear an Intuit number on the  
11:50:15 17 front cover, -43557.

11:50:19 18 Do you see that?

11:50:19 19 A. Yes.

11:50:19 20 Q. And in the document, I don't think there  
11:50:21 21 are page numbers themselves, so bear with me as we  
11:50:24 22 go through this.

11:50:27 23 If you look at the document, is this a  
11:50:30 24 document or a spreadsheet that you recognize as  
11:50:33 25 being used in the compensation area at Intuit?

11:50:43 1 A. So -- yes.

11:50:44 2 Q. And can you explain what this is?

11:50:50 3 A. I can try.

11:50:52 4 So the first page that has the

11:50:55 5 performance rating and the award as -- [REDACTED]

11:50:58 6 [REDACTED]

11:51:03 7 [REDACTED]

11:51:07 8 [REDACTED]

11:51:08 9 [REDACTED]

11:51:11 10 [REDACTED]

11:51:17 11 The second page is a mix of things. So

11:51:22 12 it looks like it's actually a collection of

11:51:24 13 multiple different documents that someone's put

11:51:26 14 together into a single page, because it would have

11:51:28 15 never been produced this way by itself. The piece

11:51:31 16 at the top looks like a template that -- just some

11:51:34 17 dates that were used for stock grant eligibility

11:51:37 18 back in 2005. And I'm not sure what the grant

11:51:41 19 date is because those don't look really

11:51:44 20 consistent.

11:51:46 21 Below that it's starting to describe the

11:51:47 22 [REDACTED]

11:51:50 23 [REDACTED] And the very bottom piece is

11:51:54 24 actually a screen shot of what -- of what -- of

11:51:58 25 the system that we used to use and the control

11:52:00 1 table inside that system and how values were set.

11:52:02 2 So it's a screen shot of PeopleSoft.

11:52:05 3 Q. Okay.

11:52:05 4 A. So this document on its own could never  
11:52:08 5 have been produced by itself just based on it  
11:52:10 6 being a collection of different things.

11:52:11 7 Q. Okay. On that nine blocker control  
11:52:17 8 section --

11:52:17 9 A. Yes.

11:52:17 10 Q. -- can you just walk me through what the  
11:52:19 11 different columns are?

11:52:28 12 A. I'll try.

11:52:29 13

11:52:31 14

11:52:35 15

11:52:37 16

11:52:40 17

11:52:42 18

11:52:46 19

11:52:49 20

11:52:51 21

11:52:53 22

11:52:56 23

11:52:59 24

11:53:01 25

11:53:05 1

[REDACTED]

11:53:08 2

[REDACTED]

11:53:10 3

[REDACTED]

11:53:12 4

[REDACTED]

11:53:15 5

[REDACTED]

11:53:19 6

[REDACTED]

11:53:21 7

[REDACTED]

11:53:22 8

[REDACTED]

11:53:24 9

[REDACTED]

11:53:27 10

[REDACTED]

11:53:31 11

[REDACTED].

11:53:36 12

Q. Okay. I'm not sure if the page that

11:53:42 13

follows is an excerpt from the very last page or

11:53:48 14

these are different things.

11:53:51 15

A. It's similar to what's on the very last

11:53:53 16

page, and so it may have been -- it may have been

11:53:56 17

part of a working product to get to what would end

11:53:59 18

up on that last page. So it's from an Excel file

11:54:02 19

and it was essentially a way to build or manage

11:54:05 20

the targets that got put back into the control

11:54:07 21

table, the nine block control table.

11:54:10 22

This would be the basis for having --

11:54:12 23

having an input document to put those -- those

11:54:16 24

values into the system. [REDACTED]

11:54:19 25

[REDACTED]

11:54:22 1 [REDACTED]

11:54:27 2 [REDACTED]

11:54:29 3 [REDACTED]

11:54:32 4 [REDACTED]. This is a document

11:54:38 5 that was used to build the system or to structure

11:54:40 6 values in the system.

11:54:41 7 Q. Okay. So if you were to take -- under

11:54:53 8 [REDACTED]

11:54:56 9 [REDACTED]

11:54:58 10 A. Okay.

11:54:58 11 Q. [REDACTED]

11:55:01 12 [REDACTED]

11:55:04 13 A. [REDACTED]

11:55:06 14 [REDACTED]

11:55:07 15 Q. Okay. [REDACTED]

11:55:10 16 [REDACTED]

11:55:14 17 [REDACTED]

11:55:16 18 A. [REDACTED]

11:55:16 19 Q. [REDACTED]

11:55:20 20 [REDACTED]

11:55:22 21 A. [REDACTED]

11:55:24 22 [REDACTED]

11:55:34 23 Q. So if I'm trying to read that -- [REDACTED]

11:55:37 24 [REDACTED]

11:55:42 25 [REDACTED]

11:55:48 1

[REDACTED]

11:55:50 2

A. Yes.

11:55:51 3

Q. Okay.

11:55:52 4

A. That's correct.

11:56:38 5

Q. Mr. Stubblefield, the document placed in

11:56:39 6

front of you should have a number in the front,

11:56:41 7

Exhibit 1761.

11:56:44 8

Do you see that?

11:56:44 9

A. Yes.

11:56:47 10

Q. If you'll open to the next page of it,

11:56:53 11

it starts what appears to be a PowerPoint, or

11:56:55 12

something like that, a presentation of some sort.

11:56:58 13

Do you recognize what this is?

11:57:01 14

A. So in looking at the presentation, I'm

11:57:04 15

familiar with it. I don't remember the -- I don't

11:57:06 16

know the exact context of how this was used.

11:57:09 17

Q. If you look on the second page, there

11:57:12 18

are page numbers in the lower left corner.

11:57:16 19

A. Yes.

11:57:16 20

Q. Might be helpful.

11:57:18 21

You'll see that there is a date in the

11:57:19 22

middle where it says January 7, 2005.

11:57:22 23

Do you see that?

11:57:23 24

A. Yes.

11:57:24 25

Q. And do you know in this time period who

1 I, Kathleen A. Wilkins, Certified  
2 Shorthand Reporter licensed in the State of  
3 California, License No. 10068, hereby certify that  
4 the deponent was by me first duly sworn and the  
5 foregoing testimony was reported by me and was  
6 thereafter transcribed with computer-aided  
7 transcription; that the foregoing is a full,  
8 complete and true record of said proceedings.

9 I further certify that I am not of  
10 counsel or attorney for either of any of the  
11 parties in the foregoing proceeding and caption  
12 named or in any way interested in the outcome of  
13 the cause in said caption.

14 The dismantling, unsealing, or unbinding  
15 of the original transcript will render the  
16 reporter's Certificates null and void.

17 In witness whereof, I have hereunto set  
18 my hand this day: April 4, 2013.

19    x    Reading and Signing was requested.

20            Reading and Signing was waived.

21            Reading and signing was not requested.

22 \_\_\_\_\_

23 KATHLEEN A. WILKINS

24 CSR 10068, RPR-RMR-CRR-CCRR-CLR

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